

Copy
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#13

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of

Cheryl Henry

Application Number

09/575,776

Filing Date

May 22, 2000

For

**DATA STORAGE DEVICE
READER AND METHOD OF
USING SAME**

Group Art Unit

3634

Examiner

A. Vortman

Former Attorney Docket

H546.12-1

New Attorney Docket

85611

RECEIVED

OCT 07 2002

GROUP 3600

RESPONSE

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Dear Sir:

In response to the Examiner's Action of July 2, 2002, please consider the following response.

Status of Claims

Claims 1-8 and 10-22 are pending in the application. The Examiner refers to claims 1-22 but claim 9 was cancelled in the Amendment filed May 22, 2002.

Claim Rejections Under 35 USC §103

In the Office Action, the Examiner rejected all pending claims under 35 USC §103 as obvious in view of U.S. Patent No. 5,566,290 (Silverbrook). The Examiner grouped independent apparatus claims 1 and 6 together, and then treated independent method claim 10 identically to claims 1 and 6 because "the method steps recited in the claims are inherently necessitated by the device structure in Silverbrook." It is clear, however, that the remaining independent claim (claim 13) also contains the "processor ... programmed" limitation that is the basis of the arguments below. Thus, it appears that all